

REQUEST FOR PROPOSALS

ADVERTISING

New York State Fair – Empire Expo Center
2008 - 2010

This Request for Proposals (RFP) is issued by the New York State Department of Agriculture and Markets (Department) on behalf of its Division of the New York State Fair (Division) to invite qualified proposers to submit a proposal to provide advertising, marketing and promotion services for the Empire Expo Center and the New York State Fair.

Proposals must be received by the Department no later than 4:00 pm local time on November 26, 2007. Proposals shall be addressed to:

Lucy Roberson
Director, Fiscal Management
New York State Department of
Agriculture and Markets
10B Airline Drive
Albany, New York 12235

Submit an original and five (5) copies of your proposal in a sealed envelope or package marked "Advertising Proposal – Empire Expo Center". Your proposal will consist of three parts; minimum qualifications, professional services and cost. Inquiries about this request shall be directed to Emma Graham, contract officer, in writing at emma.graham@agmkt.state.ny.us and received no later than November 13, 2007. All questions and answers will be posted on the Department's website, www.agmkt.state.ny.us in the "Funding Opportunities" section. Answers will be posted as quickly as possible, but no later than November 16, 2007. The questions and answers, when posted, are part of this Request.

Addenda to the Request for Proposal

In the event it becomes necessary to revise any portion of the RFP, the revision will be posted on the Department's website, www.agmkt.state.ny.us. All proposers are responsible for keeping informed of any revisions to this RFP.

Introduction

The Empire Expo Center, in Syracuse, New York, is a 375 acre site with major enclosed and heated exhibit space, numerous outdoor facilities and a concert venue which can seat 15,000 persons. The Empire Expo Center is also home to the annual New York State Fair, a twelve day event ending on Labor Day each year which draws 850,000 – 950,000 persons. Over two million persons visit the Empire Expo Center each year.

In addition to the annual New York State Fair, the Empire Expo Center hosts shows,

exhibitions, sales and other events throughout the year. Please visit www.nysfair.org to see events currently being held and scheduled for the upcoming month.

Objectives

The objectives of this RFP are to retain an advertising agency to develop and implement an advertising, publicity and marketing program for the Empire Expo Center and the annual New York State Fair which will:

- (a) brand the annual New York State Fair as a family oriented event and destination;
- (b) increase attendance at the annual New York State Fair; and
- (c) increase use of the Empire Expo Center as a show/conference/convention venue.

The selected agency will also be responsible for an advertising program for the State Fair to be held in 2008, 2009 and 2010.

Scope of Services

The selected agency shall provide advertising services including:

- 1. Develop and implement a marketing/advertising program that will achieve the Objectives (above);
- 2. Identify and recommend the optimum use of advertising media;
- 3. Prepare creative materials;
- 4. Place advertising in selected market advertising media;
- 5. Provide such other services as may be reasonably necessary to accomplish the Objectives (above).

Contract Period

The contract awarded will be for a three-year period with two one year extension options to be exercised solely by the Department/Division, and contingent upon the Contractor's agreement to the proposed extension. Funding for the first year of the contract will be between \$500,000 and \$1.5 million.

Restrictions on Communications with Department of Agriculture and Markets and Division of the State Fair Staff

Proposers shall make no unsolicited contact with any Department or Division personnel regarding this RFP, except that proposers may contact the contracting officer as set forth above.

Schedule

The following dates are for informational and planning purposes. The Department and Division reserve the right to change any of the dates. Any changes will be posted on the Department's website, www.agmkt.state.ny.us under "Funding Opportunities". Proposers are responsible for keeping informed of any changes in the schedule.

Event Date

RFP Issued	October 15, 2007
Pre-Proposal Conference	November 5, 2007
Last Date for Inquiries	November 13, 2007
Responses to Inquiries	November 17, 2007
Proposals Due	November 26, 2007
Oral Presentations	December 10, 2007
Selection	December 17, 2007

Pre-Proposal Conference

A pre-proposal conference will be held on November 5, 2007 at the Administration Building, 581 State Fair Boulevard, Syracuse, NY 13209. The conference will begin at 11:00 am. Proposals will only be accepted from proposers who attend the pre-proposal conference.

PROPOSAL

Minimum Qualifications

Submit in a separate sealed envelope marked:

"Advertising RFP – Minimum Qualifications [Proposer Name]"

The Proposer must be authorized to do business in New York State.

If the Proposer is:

- a corporation or limited liability company formed under New York Law, submit a copy of your current New York Department of State registration.
- a corporation or limited liability company formed under the laws of another state or a foreign jurisdiction, submit a copy of your current authorization to do business in New York.
- a limited partnership or a limited liability partnership, submit a copy of your current New York Department of State registration.
- a general partnership or individual doing business under an assumed name, submit a copy of your assumed name certificate

stamped to show the date of filing with the clerk of the county in which you conduct business.

The Proposer must affirmatively certify that, as of the date of submission of its proposal, the Proposer is current on all tax liabilities to the State of New York, except those which the Proposer has formally challenged in an administrative or judicial forum.

Professional Services Component

Submit in a separate sealed envelope marked:

“Advertising RFP – Professional Services [Proposer Name]”

Proposers shall submit the following information.

- (i) The name, address, telephone number, e-mail address and fax number of the Proposer and the Proposer's contact person.
- (ii) An organizational chart of the Proposer's agency including all account executives, creative, public relations, media department, accounting and other personnel.
- (iii) An organizational chart which shows all personnel who will be involved with the contract awarded from this RFP, and the percentage of their time expected to be devoted to the contract. Include the resume of each individual listed.
- (iv) Company name, address, telephone number and contact name of the Proposer's current major clients, including the length of the relationship with each client and detailed description of the services the Proposer provides to the client.
- (iv) Certified financial statements concerning the Proposer's operations for the last three fiscal or calendar years, prepared in accordance with generally accepted accounting principles.
- (vi) A written description of the Proposer, including company background; a detailed description of the Proposer's experience which the Proposer believes relevant to the Objectives of this RFP and a detailed description of the Proposer's most successful advertising campaign, the results it achieved and documentation, if any, substantiating the results.
- (vii) One actual sample of previous work in each category, if available; at a minimum you must submit samples (tape, disc, dvd, flash drive, etc.) of radio, television and print advertising.
 - a) Radio
 - b) Television
 - c) Print Advertising

- d) Point-of-Sale Item
 - e) Brochure
 - f) Press Release
 - g) Marketing Plan
 - h) Web Advertising and promotion
- (viii) A description of how the Proposer intends to meet the Objectives (above) of this RFP and the means and methods to be used in meeting those Objectives.

Cost and Fee Component

Submit in a separate sealed envelope marked:

**“Advertising RFP – Cost and Fee
[Proposer Name]”**

1. State the total number of professional service hours expected to be spent in the provision of the services under the contract required to achieve the Objectives of this RFP. Identify each professional by name and title, the hourly charge for such person inclusive of salary, benefits and taxes and a description of the services each individual will provide together with the number of hours associated with that service.

State the total cost of the professional service;

2. State the total number of non-professional service hours expected to be spent in the provision of the services under the contract required to achieve the Objectives of this RFP. Identify each non-professional by name and title, the hourly charge for such person inclusive of salary, benefits and taxes and a description of the services each individual will provide together with the number of hours associated with that service.

State the total cost of the non-professional service;

3. State the commission, expressed as a percentage of the cost to be charged by the Proposer on paid advertising placed by the Proposer in and on newspapers, periodicals, television, radio and billboards;

4. State the amount to be charged, expressed as a percentage of the cost, for materials purchased for the Department/Division by the Proposer for artwork, layouts, engravings, electrotypes, plastic plates, typography, mats, photostats, photo prints, photography, retouching, printing, mechanicals, transcriptions, storyboards and radio talent.

Proposal Submission

Sealed written proposals responding to this RFP must be received by the Department of

Agriculture and Markets, 10B Airline Drive, Albany, New York 12235 by 4:00 p.m. local time November 26, 2007. Proposals must be addressed to Lucy Roberson, Director of Fiscal Management and shall be clearly marked "Advertising Proposal - Empire Expo Center/New York State Fair". An original and five copies of the proposal shall be submitted. Within the sealed envelope, place three (3) separate sealed envelopes, one marked and containing your "Minimum Qualifications", one marked and containing your "Professional Services Component", and one marked and containing your "Cost and Fee Component".

Late Proposals

Late proposals will be rejected and will be returned unopened to the Proposer.

Oral Presentation

Proposers submitting the three highest ranked proposals will be required to make an oral presentation, not to exceed one-half hour. The presentations will take place in Syracuse, New York on December 10, 2007.

Selection of Proposal(s)

Only qualified proposers that have submitted complete information will be considered.

The Department and the IEA reserve the right to:

- reject any or all proposals received with respect to this RFP;
- waive or modify minor irregularities in proposals received;
- request from a Proposer additional information deemed necessary to more fully evaluate its proposal; and
- amend this RFP after its release, with appropriate written notice posted on the Department's website.

Evaluation Criteria and Procedure

The cost and fee component of the proposals will be evaluated by the Department's Division of Fiscal Management. The cost and fee component is worth 40 points.

The professional services component will be evaluated by a 5 member team composed of Department and Division staff. The professional services component is worth 60 points.

Qualifying proposals will be evaluated by comparing and ranking each proposal with respect to:

- Quality and responsiveness demonstrating an understanding of the RFP's objectives. (30 points total)
 - Identification of options to achieve objectives and

strategy/methodology to choose appropriate option(s). (15 points)

- Creativity, clarity and conciseness of proposal. (15 points)
- Capacity and Capability (30 points total)
 - Does the proposer demonstrate the ability to provide sufficient professional competence and meet contract time constraints? (10 points)
 - Does the proposer have the financial and organizational capacity to provide the requested services? (10 points)
 - Do the Proposer's references and samples show the Proposer's ability to achieve the RFP's Objectives. (10 points)
- Cost (40 points total)

Cost Liability

The State of New York, the Department and the Division assume no responsibility or liability for costs incurred by the Proposers in preparing and submitting their proposals and samples in response to this RFP, including costs associated with the oral presentation.

Acceptance of Proposal Content

The successful Proposer's proposal and this RFP will become part of any contract awarded.

Subcontracting

The Proposer may not convey, assign or otherwise dispose of the contract, or the Proposer's right, title, or interest in the contract, or its power to execute the contract, to any other person, company, corporation, or entity without the prior written consent and written approval of the Department and the Division.

In the event the Department and the Division approve the use of subcontractors in performance of this contract, the Proposer is not relieved of its responsibility and obligation to comply with the requirements of this RFP and the contract and the services of any subcontractor shall be billed to the Department/Division at actual cost.

Accounting Records

The Proposer shall maintain all financial and accounting records and other documents relating to the contract in accordance with generally accepted accounting principles and all such records shall be made available, upon request, to the Department and Division and the Comptroller of the State of New York, at all times during the contract period and any extension thereof, and for six (6) years from the expiration date of the contract.

The Proposer shall complete and maintain, in affidavit form, a record of each "trade" made and received, which shall identify the parties to the trade, the object of the trade and the value of each, the date the trade was agreed upon and the date the trade was effected.

Contract Continuity

Upon expiration of the contract, if the Department and the Division and the Contractor fail to accept or agree to a contract extension for an additional period, the Contractor must continue to provide all services under the contract for a period not to exceed four (4) months.

Estimates, Invoices and Payments

All contract expenditures must be pre-approved in writing by the Director of the New York State Fair, or his or her designee, based upon a written estimate provided by the Contractor prior to work beginning on a project. Payment shall be made by the Department and the Division within the time provided by the State Finance Law after receipt and approval of an itemized invoice submitted by the Contractor.

Media Commissions/Rebates/Agency Markup

All media commissions/rebates related to advertising services received by the Contractor in the performance of the contract will be net to the Department and the Division. No markup on printing charges shall be allowed. The Contractor will take all available discounts, such as early payment of an invoice, and the resulting discount shall be reflected in the Contractor's invoices to the Department and the Division.

On-line Collaboration Tools

All Proposers must have the capability to conduct on-line collaboration with the Department and the Division. The Department and the Division must be provided with the ability to view work in progress, project status reports and other contract information electronically by visiting the Proposer's website, or server which provides a secure area for review of such work. The Proposer must also have the ability to communicate by e-mail and have the capacity to send files electronically for review, including progress reports and graphic files.

Freedom of Information

The Proposer's proposal and any contract resulting from this RFP is subject to the provisions of New York's Freedom of Information Law; Public Officers Law, Article 6. Proposer financial and proprietary business information will be received and accepted as confidential information and not subject to disclosure.

Ownership of Contract Work Product

The Department and the Division shall own all right, title and interest in and to any software, documentation, products, materials, advertising for television, radio, print, internet or other media, and deliverables which result from services rendered by Proposer to the

Department and the Division under the contract.

Standard Contract Provisions

The Standard Contract Provisions which are attached to this RFP will be part of the contract. Please read and execute them where required and return the Standard Provisions with your proposal.

Certification Pursuant to New York State Tax Law Section 5-A

Pursuant to Tax Law Section 5-a, you are required to certify to the Tax Department that you are registered to collect New York State and local sales and compensating use taxes, if you made sales of tangible personal property, delivered by any means, to locations within New York State or you provided taxable services, having a cumulative value in excess of \$300,000 measured over a specified period. In addition, you must certify to the Tax Department that each affiliate and subcontractor exceeding such sales threshold during a specified period is registered to collect New York State and local sales and compensating use taxes. You must also certify to the procuring state agency that affiliates and subcontractors have filed a correct and complete certification with the Tax Department. The successful proposer will be required to complete and sign, under penalty of perjury, the Contractor Certification Form ST-220-TD and the Contractor Certification to Covered Agency Form ST-220-CA. The Contractor Certification Forms are available from the Department of Tax and Finance web site at:

http://www.tax.state.ny.us/forms/sales_cur_forms.htm#Other%20Sales%20Tax%20Forms.

The successful proposer will be required to complete and submit the Contractor Certification Forms within three (3) business days from the date of the request. Failure to respond timely may render a proposer non-responsive and non-responsible. Proposers shall take the necessary steps to provide properly certified forms, within a timely manner, to ensure compliance with the law. You may call the Tax Department at 1-200-698-2931 for all questions regarding Tax Law §5-a, and relating to a company's registration status with the Tax Department. For additional information and frequently asked questions, please refer to the Department of Tax and Finance web site:

<http://www.tax.state.ny.us/pdf/publications/sales/pub223-507.pdf>.

Minority and Women Owned Businesses Equal Employment Opportunities and Goals

See Clause 12, Equal Employment Opportunities for Minorities and Women, in Appendix A. For this contract the Department and the Division have established the following goals:

- Minority business enterprises 1%
- Women owned business enterprises 1%

Notification of Award

The Department and the Division will notify the successful proposer verbally, followed by a written confirmation. Each proposer whose proposal is not selected will be notified in writing by the Department and the Division.

An agreement will be drafted by the Department/Division and provided to the proposer.

When in final form and executed by the successful proposer, the Department and the Division will submit the agreement for approval to the Attorney General of the State of New York and the Comptroller of the State of New York.

October 12, 2007